

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

CC 92-77

September 27, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Kay Bailey Hutchison
Office of Senator Kay Bailey Hutchison
Attention: Mary Fae Kamm
10440 N. Central Expressway
Suite 1160, LB 606
Dallas, TX 75231

DOCKET FILE COPY ORIGINAL

Dear Senator Hutchison:

Thank you for your letter on behalf of Tom Vandergriff, County Judge, Tarrant County, and the accompanying Tarrant County Resolution regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

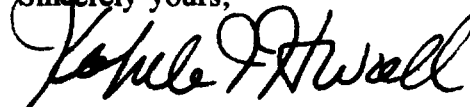
BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Kay Bailey Hutchison
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kathleen M.H. Wallman". The signature is fluid and cursive, with the first name "Kathleen" being more prominent.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

KAY BAILEY HUTCHISON
TEXAS

United States Senate

WASHINGTON, DC 20510-4304

August 26, 1994

Congressional Liaison
1919 M Street, NW
Washington, TX 20554

Dear Sir/Madam:

The attached communication was forwarded to me by a constituent who is concerned about a matter that falls within your agency's jurisdiction. The problem set forth by the Commissioner's Court is unique and valid. Your consideration of important request would be greatly appreciated.

In the event you require more information, please do not
hesitate to contact me.

Thank you for your courtesy.

By Direction of:

KAY BAILEY HUTCHISON

[REDACTED]

[REDACTED]

[REDACTED]

OK

92-177

4495

AUG 10 1994



**COUNTY JUDGE
of
TARRANT COUNTY**

VIP
SEP 12 11:02
Slab

TOM VANDERGRIFT
County Judge
(817) 884-1441
FAX (817) 884-2793

County Administration Building
100 East Weatherford Street
Fort Worth, Texas 76196-0101

July 26, 1994

**The Honorable Kay Bailey Hutchison
U. S. Senate
1100 Commerce, #7C14
Dallas, TX 75242**

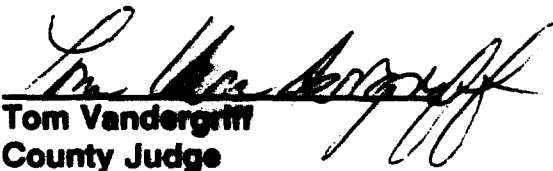
Re: Billed Party Preference; CC Docket No. 92-77

Dear Senator Hutchison:

On behalf of the entire Tarrant County Commissioners Court, I am writing to express our unanimous opposition to the proposal to implement Bill Party Preference and to request that the Federal Communications Commission defeat the measure.

The attached resolution clearly outlines the reasons why Tarrant County opposes this proposal. Meeting the telephone service needs of jail inmates is vastly different from addressing telephone service needs for the general public. As a result, it is imperative that inmate telephone service be exempt from BPP.

Sincerely,


Tom Vandergriff
County Judge

**Enclosure:
Resolution**



TARRANT COUNTY

RESOLUTION

REQUESTING THE FEDERAL COMMUNICATIONS COMMISSION TO DEFEAT THE PROPOSAL TO IMPLEMENT BILLED PARTY PREFERENCE (BPP)

WHEREAS, Texas counties are required by the Texas Jail Standards Commission to provide inmates access to legal counsel and/or family by phone, whether local or long distance; and

WHEREAS, the Commissioners Court is responsible for complying with these requirements; and

WHEREAS, the basic reason for Billed Party Preference (BPP) is to insure users of public communications open access to their long distance carrier of choice, and the by-pass regulations in place today already allow for the public's open access to carrier of choice; and

WHEREAS, by not allowing payphone owners and location clients the right to choose the primary long distance carrier on their equipment, the owner and/or location client loses the ability to negotiate fair commissions from their selected carrier; and

WHEREAS, the net result of this situation is that location owners and clients lose their rights to fair commissions on revenue generated from their properties; and

WHEREAS, meeting the telephone service needs of jail inmates is vastly different from general public communication users and, therefore, inmate telephone service should be exempt from BPP; and

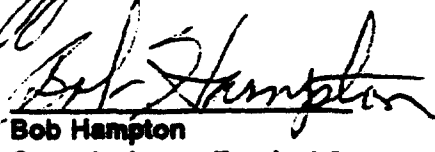
WHEREAS, correctional institutions are allowed to 1) cut off any collect call to a location where third party or call conferencing is detected and 2) determine whether or not the institution will even allow the inmate to make calls;

NOW, THEREFORE, BE IT RESOLVED, that we, the Commissioners Court of Tarrant County, do hereby strongly oppose the proposal to implement Bill Party Preference and request the Federal Communications Commission to defeat the proposal.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the great seal of Tarrant County to be affixed this 28th day of July, A.D. 1994.


Tom Vandergriep
County Judge


Dionne Bageby
Commissioner, Precinct 1


Bob Hampton
Commissioner, Precinct 3


Marti VanRavenwaay
Commissioner, Precinct 2


J. D. Johnson
Commissioner, Precinct 4